

1. Unfortunately, this paper appears to be of limited value.

- a. I think that perhaps I overstated the scope and intent of the paper when I used the term “analysis.” This may partially explain your perception of the limited value of the paper.
- b. Some background: This paper was written within a 24 hour period. The interview with the Operations Manager of the jail was conducted at 9am on one day and the draft was provided for her review at 9am the next day. She corrected several errors of fact and consented for me to send the final version to her superior. Under the circumstances, I believe that she would not have consented if she believed the paper misrepresented the truth, at least as she sees it, and as she perceives her superior sees it.
- c. This paper was based on an assignment in a graduate course in Administrative Law. The assignment was to interview a public administrator regarding their role over and against Administrative Law. Because I felt that the information I uncovered had value independent of the assignment, I offered that information in the forum.
- d. The paper is based on the interview and my fifteen years of experience designing jails, prisons, juvenile detention centers and holding facilities for police departments and courthouses, which focuses on operational integration and the congruence of operations and institutional culture, in addition to the architecture. It should be noted that I did not tour the facility, and I am not familiar with the actual physical plant design. However, the specifics of the design are not required to come to the conclusions I reached, as I will unpack in later responses.

2. There is no question that there is a desperate need to identify "model" jails and what makes them model facilities for purposes of replication, this paper feels like an ode to a particular person and personality -- and a one-sided view to boot.

- a. I agree that there is a need to identify “model” jails.
- b. I agree that what makes them “model” jails also needs to be identified.
- c. I also agree that replication of the features, whether design, operational, organizational culture or in other categories, as well as the replication of “model” jails in the form of site adapted prototypes are legitimate approaches that society should demand. See also my concluding paragraph’s final sentence. (p. 9)
- d. If the perception is that the paper is not well reasoned because it is unremittingly positive in its assessment, then that is a perception that will have to stand. The fact that the analysis is highly positive does not mean that it is lacking in criticality, but I leave that to the audience to determine on a case by case review.

3. It's a small, narrow view of one person and does not include other perspectives: staff, prisoners, their family members, defense counsel, prosecutors, city administrators, etc.

- a. I agree that the paper is based on an interview with a single person. This was disclosed in the last sentence of the first paragraph. Single person interviews are a legitimate mode of inquiry.
- b. I agree that the paper does not include the perspectives of any other persons, whether “staff, prisoners, their family members, defense counsel, prosecutors, city administrators, etc.” as you stated. This level of inquiry was not intended, but a study of that scope is merited in a facility which so clearly functions well and which should be a

model of a facility/operation/culture that could be emulated in part or in whole by other jurisdictions.

4. Moreover, it's unclear if you have fact checked some of the information included.

- a. Please see response 1b above.

5. You are recording a verbal history as told by one person without verifying any of the information, or seriously testing and challenging her account.

- a. I would dispute the characterization of this interview-based report as “verbal history” as I believe all of the statements of fact could be independently documented by research of a scope that was not possible in this short term exercise.
- b. Again, please see response 1b above.
- c. As far as seriously testing her account, the only test of her account was my reasoned determination, based on my experience, of the veracity of her account and the efficacy of the Santa Ana Jail in accomplishing its institutional mission.
- d. As far as challenging her account goes, my primary aim for the interview was to learn, not to critique. While I concede that challenging her account might make for stronger scholarship, this was not possible in this short term exercise, nor did it appear to be merited (see response 5c above.)

6. Your paper does not begin with an analysis of the metrics that would assist in identifying a model facility from those that are not.

- a. This is true, however the criteria that emerged in the course of the interview and analysis were either stated, or can be intuited, and are [bracketed] to indicate when this is the case below for the purposes of clarity:
 - i. the safe, secure, and constitutional confinement of those detained (p. 1)
 - ii. [operate] as a business which must be self-supporting (p.2)
 - iii. [Contracting agencies are satisfied] (p. 3)
 - iv. [Regulating agencies are satisfied] (p. 3)
 - v. [Counteracting the tendency of direct supervision to devolve over time] (p. 3)
 - vi. an organization in which the mission permeate[s] all levels of the organization (p. 4)
 - vii. [prevention of] excessive use of force (p. 4)
 - viii. limited claims [that result in payouts by the city] (p. 5)
 - ix. the quality of the conditions of confinement (p. 5)
 - x. consistent care and custody (p. 5)
 - xi. [avoidance of] court challenge[s] (p. 5)
 - xii. balancing suicide risk, security risk, and the psychological state of the detainee [when making Turner v. Safley related decisions, specifically, but in general as well] (p. 5)
 - xiii. [limiting jail related litigation] (p. 6)
 - xiv. [limiting] inmate on staff assaults (p. 6)
 - xv. [retention of staff] (p. 7)
 - xvi. [limiting costs associated with training new employees] (p. 7)
 - xvii. [limiting loss of institutional knowledge due to churn] (p. 7)

- xviii. [maintaining a clean, quiet, more normative environment] (p. 7)
- xix. [supporting pro-social behavior via incentives] (p. 7)
- xx. [supporting pro-social behavior via loss of amenities] (p. 7)
- xxi. [conforming to] *Wolff v. McDonnell* (1974)
- xxii. [mitigating] the possibility of staff collusion [in disciplinary investigations and hearings] (p. 8)
- xxiii. [immediate sanctions in the face of] any attempts at enforcing segregation via intimidation or violence (p. 8)
- xxiv. [sharing of institutional knowledge via] tours for correctional personnel from other jurisdictions (p. 9)
- xxv. [pushing authority to the unit level] (p. 9)
- xxvi. [basing policy on] actual practice and not simply by fiat from above (p. 9)

7. Your main criteria (sic) appears to be financial health.

- a. The criteria listed in response 6a involve the full spectrum of concerns. That being stated, the bottom line is a critical criterion that motivates 100% compliance with others. The City of Santa Ana does not have to have a detention facility. If it is not revenue neutral, or at least attempting to be so, the consequences could have severe impacts of staff (i.e. being laid off when operations are contracted to the private sector, etc.)
- b. The Jail Bureau primary mission is stated in the introductory paragraph: “the safe, secure, and constitutional confinement of those detained in the facility” (p. 1)

8. While your interview questions include many pertinent issues - the ADA, the PREA, etc. - your summary of the interview fails to address them.

- a. A review of my handwritten notes regarding the two stated issues indicates that those questions were not addressed because:
 - i. No ADA related issues have arisen.
 - ii. PREA compliance is being addressed by having staff members take the online course available via the NIC. This fact was omitted because it was not conducive to the flow of the paper. A preponderance of evidence was presented to confirm that jail leadership is committed to full compliance with all laws and regulations.
- b. A review of questions that were not addressed in addition to the above resulted in the following instances:
 - i. Question #9, last section: “major lessons learned from that experience” This question was not addressed in the interview, so the report could not speak to it. It was not critical, so follow up via email or phone was not pursued.
 - ii. Question #10. The Santa Ana Jail does not charge detainees for services. The option exists for individuals to “pay to stay” at the facility in lieu of being detained in the OCSD facilities across the street or elsewhere in the county. This was mentioned on page one. Evidently, on a case by case basis, detainees can pay the per diem rate and be detained in the Santa Ana Jail instead of the alternatives. This also speaks to the conditions of confinement, but because I

did not have any information supporting that as the motivation, I did not draw that conclusion.

9. **You begin with the promise to establish that this is a safe, secure, and constitutionally operated facility, but the interview summary doesn't provide hard facts to establish that is so.**
 - a. I disagree. Please review criteria listed in 6a and note how many relate to the stated mission/criterion 1: the safe, secure, and constitutional confinement of those detained in the facility (p. 1)
10. **Assuming for the sake of argument that this jail is efficiently operated and is safe, secure and constitutional in all respects, the report offers nothing concrete to replicate.**
 - a. Again, I would respectfully disagree: Direct Supervision, Inmate Behavior Management, professionalism of line staff and the entire institutional culture, involved leadership with a finger on the pulse of the facility, etc. These are concrete. However, there are no easy solutions that can be directly grafted onto other facilities and systems. Easy solutions do not exist, however I stand by the conclusions stated in the summary paragraph.
11. **It is well known that the warden/administrator/superintendent of a correctional facility is the most important person in creating a climate in which a facility is safe, secure, and constitutionally operated.**
 - a. I agree. The paper supports this argument, but does not explicitly state that argument.
12. **That persons (sic) values, philosophy, commitment, and interpersonal relationships makes or breaks a facility.**
 - a. I agree. The paper supports this argument, and offers others such as the maintenance of delicate balances in making judgments and providing leadership.
13. **What (sic) when that person leaves, the issue is how to ensure continuity in operations.**
 - a. I agree, however, this issue is not addressed in the paper. It can, however, be reasonable inferred that the Santa Ana Jail has staff members that can step into vacated roles, given the authority structure described in the third paragraph (pp. 1-2) and the expressed management style indicated in criterion 6a/xxv.
14. **When a personality is the key factor (versus stable infrastructure), sustainability is terribly hard.**
 - a. Personality was not put forward in the paper as the causative factor in Ms. Holland's success; leadership, management, and commitment, among others, were...
 - b. I am not sure what you mean when you put forward "stable infrastructure" but I assume that you are referring to organizational culture, not maintained facilities, for example.
 - c. I agree that sustainability in care and custody environments is difficult. Philip Zimbardo's experiment at Stanford is forty years old this year, and its lessons still resonate.